



IOWA GENERAL ASSEMBLY

Statehouse
Des Moines, Iowa 50319

January 13, 2010

The Honorable Senator Charles Grassley
135 Hart Senate Office Building
Washington, D.C. 20510-1501

The Honorable Senator Tom Harkin
731 Hart Senate Office Building
Washington, D.C. 20510-0001

The Honorable Congressman Leonard L. Boswell
1427 Longworth House Office Building
Washington, D.C. 20515

The Honorable Congressman Bruce Braley
1408 Longworth House Office Building
Washington, D.C. 20515

The Honorable Congressman Steve King
1131 Longworth House Office Building
Washington, D.C. 20515

The Honorable Congressman Tom Latham
2217 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Congressman Dave Loebsack
1221 Longworth House Office Building
Washington, D.C. 20515

The Honorable Tom Vilsack
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Ms. Ann Wright
Deputy Under Secretary
Marketing and Regulatory Programs
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Mr. John Ferrell
Deputy Under Secretary
Marketing and Regulatory Programs
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Ms. Cindy J. Smith
Administrator
U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Room 312-E, Whitten Building
1400 Independence Avenue, S.W.
Washington, DC 20250

Dr. Chester A. Gipson
Deputy Administrator of Animal Care
U.S. Department of Agriculture
Animal Plant and Health Inspection Service
USDA-APHIS-AC, Rm. 2D13
4700 River Road, Unit 97
Riverdale, MD 20737

Dear Members of Iowa's Congressional Delegation,
Secretary Vilsack, Mr. Ferrell, Ms. Smith, and Mr. Gipson:

In Iowa, the Legislative Council established a special interim committee, the Care of Animals in Commercial Enterprises Study Committee, to consider issues regarding the care of dogs, cats, and companion animals in nonagricultural commercial establishments, including dogs controlled by dealers

issued federal licenses under the federal Animal Welfare Act¹. The Committee met on September 29, 2009, and received testimony from a number of persons involved in the issue, including: (1) a panel of presenters representing the Iowa Voters for Companion Animals, the Humane Society of the United States, and the Animal Rescue League of Iowa, and (2) Dr. Robert M. Gibbens, DVM, Director, Western Region, United States Department of Agriculture, Animal Plant and Health Inspection Service, Animal Care.²

As part of its recommendations, the Study Committee directed that this letter, expressing concern regarding the failure of an anonymous federal inspector in Iowa (herein referred to as Inspector A) to adequately issue citations for violations of the federal Animal Welfare Act, be drafted and sent to you and others. The purpose of this letter and to encourage Iowa's congressional delegation to meet with Secretary Vilsack or the appropriate undersecretary or other USDA officials responsible for the Animal and Plant Health Inspection Service.

The Study Committee received testimony regarding substandard care provided to animals kept in commercial establishments, including 494 kennels, operated by federal licensees. According to testimony, from January 2007 to August 2009, at least 7 federal inspectors conducted 1,351 inspections, of which 626 inspections were conducted by Inspector A (46%), compared with all other inspectors who together conducted 725 inspections (54%). All inspectors found a total of 401 violations, with Inspector A who conducted close to half of the inspections, finding only 39 (less than 10%). Of the 237 separate establishments inspected one or more times by Inspector A, only 35 were cited (15%). Of the 376 separate establishments inspected one or more times by all other inspectors, 228 were cited (61%). Moreover, for Inspector A, only six percent of all inspections resulted in citations. Compare this rate with other inspectors. For Inspector D who inspected the second highest number of establishments (174), 53 percent of inspections resulted in citations. More than 48 percent of inspections conducted by all inspectors, other than Inspector A, resulted in the issuance of a citation.

Dr. Gibbens declined to comment upon the performance of Inspector A, but assured the Committee that he would examine the allegations. The Committee is aware that personnel issues are always sensitive and that employment policies often prevent full disclosure of a employee's performance in a public forum. However, the Committee believes that the welfare of companion animals kept in federally licensed commercial establishments is of paramount importance and any failure to properly inspect these establishments deserves immediate agency attention.

The Committee hopes that you can address this issue and improve inspection efforts in Iowa.

Sincerely,

Representative Jim Lykam
Co-chairperson

Senator Dr. Joe Seng
Co-chairperson

¹ For statutory law see 7 U.S.C. ch. 54 and for USDA regulations see 9 C.F.R., Ch. 1, Subch. A, Pts. 1-4.

² A summary of the materials presented to the Study Committee are located on its website:

http://www.legis.state.ia.us/scripts/docmgr/docmgr_comdocs.dll/showtypeinterim?idt=true&type=ih&com=486